

REMARKS

In the Office Action mailed January 7, 2004, the Examiner noted that claims 1-17 were pending and rejected all claims. Claim 15 has been amended and, thus, in view of the forgoing claims 1-17 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Office Action the Examiner objected to claim 15. Claim 15 has been amended in consideration of the Examiner's comments. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the objection is requested.

On page 2 of the Office Action, the Examiner rejected all claims under 35 U.S.C. § 102 as anticipated by Smith.

Smith is directed to a system for a PDA type device that allows all or some pre-stored information (instructional information) to be adaptively overwritten with user data by monitoring the use of the pre-stored data by the system. If an external storage device is attached the pre-stored data can be completely overwritten and access to the pre-stored information can be obtained via accessing the pre-stored data on the external storage device. If all available storage on the PDA type device is used, the user data can be stored on the external storage device, if it is attached. In other words, when the PDA device is full and all storage on the PDA device is exhausted, and if the storage device is attached user data is stored on the external storage device in Smith.

This is very different from the present invention. The present invention prevents free space in the terminal device from falling below a predetermined amount (see "such that the free capacity of the data accumulation unit cannot be smaller than a predetermined value" - claim 1 and similar language in claims 6, 14 and 16). Smith does not teach or suggest this. The present invention is capable of doing this because the invention provides for a dedicated "storage service providing device" that is available on a "network". Smith does not teach or suggest such.

It is submitted that the present claimed invention of independent claims 1, 6, 14 and 16 patentably distinguishes over Smith and withdrawal of the rejection is requested.

The present invention also provides a unique data storage method. In this method (see claim 5) a determination is made as to whether data is "deleted or updated" in the user terminal device. When the data is deleted or updated, the data is transferred from the device to and

stored in a storage service providing device "before the deletion or update" occurs. As noted above, Smith is concerned with overwriting in a limited space device such as a PDA and naturally is not concerned with what happens to storage space when information is deleted or updated. Smith says nothing about moving data when it is updated or deleted.

It is submitted that the present claimed invention of independent claim 5 patentably distinguishes over Smith and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claims 2, 7 and 17 emphasize the feature discussed above with respect to claim 5. Claim 3 and 8 emphasize ylusing the frequency of use of data to determine what to move to maintain the set free space. Nothing in Smith teaches or suggests this. The remaining dependent claims aloes emphasizes patentably distinguishing features over Smith. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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5/6/4

By: _____



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